



DAC

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: L. Larson

Art Unit: 3201

#5

In re:

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Applicant: Ali BINDERNAGEL, et al

JAN 29 2001

Continuation Application of  
Parent Application

OFFICE OF PETITIONS

Serial No.: ~~08/645,025~~ 09/575001

Filed: November 18, 1996

**PETITION TO ACCORD APPLICATION FILING DATE**

January 22, 2001

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Attention: Office of Petitions

Reference is made to the Notice of Incomplete Non-Provisional Application  
dated November 11, 2000, a copy of which is attached hereto.

The communication refuses to accord a filing date to the subject application.

The communication indicates that the specification is missing and that the  
statutory basic filing fee is missing.

**BOX DAC**

I hereby certify that this correspondence is being  
deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents,  
Washington, D.C. 20231.

On 1/22/01

The communication further indicates that the non-provisional application was filed under 37 CFR 1.53(b).

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OFFICE OF PETITIONS

The subject application is a continuation application which was filed on November 3, 1997 under old rule 62.

Applicant previously filed a petition to accord the subject application with a filing date of October 31, 1997, and on June 8, 2000, that Petition was granted.

A copy of the decision granting the petition is attached hereto.


The undersigned contacted the Initial Patent Examination Division by phone and was advised that confusion has arisen because the according of filing dates has been contracted out and as a result, errors such as this have taken place.

The Notice of Incomplete Non-Provisional Application further indicates that the statutory basic filing fee was missing. This is also incorrect and attached is a copy of the canceled check for the filing of the subject application.

This application was originally filed as a continuation application more than three years ago. Accordingly, expedited prosecution of this petition is respectfully requested.

It is believed that the Petition fee should be waived. However, if a petition fee is required, authorization is given to debit the account of the undersigned #19-4675.

Respectfully submitted,

  
Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/575,001	11/03/1997	Ali Bindernagel	

Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

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OFFICE OF PETITIONS

FORMALITIES LETTER



\*OC000000005610656\*

Date Mailed: 12/11/2000

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must be** submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.  
*A complete specification including at least one claim as prescribed by 35 U.S.C. 112 is required.*

The required items noted below **SHOULD** be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above. The items noted below must be filed no later than **TWO MONTHS FROM THE FILING DATE ACCORDED THIS APPLICATION**.

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The balance due by applicant is \$ 790.00.

*A copy of this notice MUST be returned with the reply.*



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER OF  
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Washington, D.C. 20231

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Paper No. 3

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JUN 08 2000

STRIKER, STRIKER & STENBY  
103 EAST NECK ROAD  
HUNTINGTON, NEW YORK 11743

In re Application of  
Ali Bindernagel  
Application No. 09/575,001  
Filed: October 31, 1997

SPECIAL PROGRAMS OFFICE  
DAC FOR PATENTS

DECISION GRANTING PETITION

This is a decision on the petition filed October 4, 1999 to accord a filing date of October 31, 1997 in the above continuing application.

The petition is **granted** to the extent that the application will be accorded a filing date of November 3, 1997, the date of receipt in the Patent and Trademark Office.

Telephone inquiries concerning this matter should be directed to the Karen Creasy at (703) 305-8859.

The application file is being forwarded to Initial Patent Examination. Thereafter, the file will be forwarded to Technology Center 3200 for further processing under 1.62(g).

Brian Hearn  
Special Projects Examiner  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects

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Please ACKNOWLEDGE RECEIPT:

BINDERNAGEL, A. ET AL  
CONT. RULE 62 of US. PAT APPL.  
08/615,025

PET. FOR THREE MONTH EXT. OF TIME

FEE:\$870.00



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STRIKER, STRIKER & STENBY

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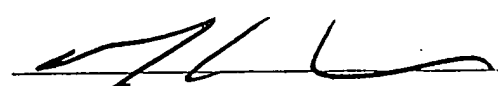
PAY Eight Hundred and seventy <sup>00</sup>/<sub>100</sub> DOLLARS

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